

COPY

1 DANIEL K. SPRADLIN - State Bar No. 82950  
2 dspradlin@wss-law.com  
3 WOODRUFF, SPRADLIN & SMART, APC  
4 555 Anton Boulevard, Suite 1200  
5 Costa Mesa, California 92626-7670  
6 Telephone: (714) 558-7000  
7 Facsimile: (714) 835-7787

8 Attorneys for Defendants CITY OF IRVINE, a public entity, and  
9 RONALD CARR

10

11

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA

14

15 CRAIG F. MONTEILH,  
16 Plaintiff,

17 v.

18 FEDERAL BUREAU OF  
19 INVESTIGATION, a government  
entity; IRVINE POLICE  
DEPARTMENT, a government entity;  
RON CARR, an individual; BARBARA  
WALLS, an individual and DOES 1 to  
100, inclusive,

20 Defendants.

21 CASE NO.: SACV10-00102-  
JVS(RNBx)

22 DEFENDANT CITY OF IRVINE'S  
RESPONSES TO REQUEST FOR  
ADMISSIONS, SET ONE

23 PROPOUNDING PARTY: Plaintiff CRAIG F. MONTEILH

24 RESPONDING PARTY: Defendant CITY OF IRVINE

25 SET NO.: One

26 Defendant CITY OF IRVINE ("Defendant" or "City") hereby responds to the  
27 Request for Admissions, Set One, propounded by Plaintiff CRAIG F. MONTEILH  
28 ("Plaintiff"), without prejudice to subsequently discovered information, as follows:

29 ///

30 ////

31 ///

## PRELIMINARY STATEMENT

Defendant has not completed its investigation into or discovery of the facts in this action. Some of the requested information may not be in current files and may be difficult to obtain or unavailable as a result of personnel turnover, memories having faded, and possible destruction of records authorized by document retention program schedules. Defendant has made a good faith effort to obtain any relevant non-privileged information from all the various departments within the CITY OF IRVINE which might have access to or have stored such information. The information produced is without prejudice to Defendant's right to produce evidence of any information relating to any subsequently discovered facts and/or documents.

## RESPONSES

## **REQUEST FOR ADMISSION NO. 1:**

Admit Frough Jahid is employed by YOU.

## **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

Admit.

## **REQUEST FOR ADMISSION NO. 2:**

Admit Frough Jahid works for the Irvine Police Department.

## **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

Admit.

## **REQUEST FOR ADMISSION NO. 3:**

Admit Frough Jahid works for the Irvine Police Department, division of Special Investigations.

## **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

Deny.

## **REQUEST FOR ADMISSION NO. 4:**

Admit Frough Jahid is designated as “Detective – Intelligence” by you.

## **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

Admit.

1           **REQUEST FOR ADMISSION NO. 5:**

2           Admit Frough Jahid was a member of the Orange County Joint Terrorism Task  
3 Force.

4           **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

5           Deny.

6           **REQUEST FOR ADMISSION NO. 6:**

7           Admit Frough Jahid spoke with Ahmadullah Sais Niazi concerning  
8 PLAINTIFF.

9           **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

10          Admit.

11          **REQUEST FOR ADMISSION NO. 7:**

12          Admit Frough Jahid spoke with Mohammed Elsyisy concerning PLAINTIFF.

13          **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

14          Deny.

15          **REQUEST FOR ADMISSION NO. 8:**

16          Admit Frough Jahid spoke with Issa Edah-Tally concerning PLAINTIFF.

17          **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

18          Admit.

19          **REQUEST FOR ADMISSION NO. 9:**

20          Admit YOU were aware Ahmadullah Sais Niazi worked at the Berlitz  
21 Language Institute.

22          **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

23          Admit.

24          **REQUEST FOR ADMISSION NO. 10:**

25          Admit Frough Jahid spoke with Ashruf Zied concerning PLAINTIFF.

26          **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

27          Defendant lacks sufficient information and belief to admit or deny this request  
28 for admission and therefore denies the request in its entirety.

1           **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

2           Admit.

3           **REQUEST FOR ADMISSION NO. 18:**

4           Admit Ronald Carr worked for the Irvine Police Department, division of  
5           Special Investigations.

6           **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

7           Deny.

8           **REQUEST FOR ADMISSION NO. 19:**

9           Admit Ronald Carr was designated as "Detective – Intelligence" by YOU.

10          **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

11          Admit.

12          **REQUEST FOR ADMISSION NO. 20:**

13          Admit Ronald Carr was a member of the Orange County Joint Terrorism Task  
14          Force.

15          **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

16          Deny.

17          **REQUEST FOR ADMISSION NO. 21:**

18          Admit Ronald Carr spoke with Ahmadullah Sais Niazi concerning PLAINTIFF.

19          **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

20          Deny.

21          **REQUEST FOR ADMISSION NO. 22:**

22          Admit Ronald Carr spoke with Mohammed Elsyisy concerning PLAINTIFF.

23          **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

24          Deny.

25          **REQUEST FOR ADMISSION NO. 23:**

26          Admit Ronald Carr spoke with Issa Edah-Talley concerning PLAINTIFF.

27          **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

28          Deny.

1           **REQUEST FOR ADMISSION NO. 24:**

2           Admit Ronald Carr spoke with Ashruf Zied concerning PLAINTIFF.

3           **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

4           Deny.

5           **REQUEST FOR ADMISSION NO. 25:**

6           Admit Ronald Carr spoke with Special Agent Ellis Kuppferman of the Federal  
7 Bureau of Investigation (hereinafter "FBI") concerning PLAINTIFF.

8           **RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

9           Deny.

10          **REQUEST FOR ADMISSION NO. 26:**

11          Admit Ronald Carr investigated PLAINTIFF concerning charges of terrorism.

12          **RESPONSE TO REQUEST FOR ADMISSION NO. 26:**

13          Deny.

14          **REQUEST FOR ADMISSION NO. 27:**

15          Admit Ronald Carr was present at the arrest of PLAINTIFF.

16          **RESPONSE TO REQUEST FOR ADMISSION NO. 27:**

17          Admit.

18          **REQUEST FOR ADMISSION NO. 28:**

19          Admit Ronald Carr was aware PLAINTIFF was an FBI informant.

20          **RESPONSE TO REQUEST FOR ADMISSION NO. 28:**

21          Admit.

22          **REQUEST FOR ADMISSION NO. 29:**

23          Admit Officer J. Scheafer, Badge #358, was employed by YOU.

24          **RESPONSE TO REQUEST FOR ADMISSION NO. 29:**

25          Admit.

26          **REQUEST FOR ADMISSION NO. 30:**

27          Admit Officer J. Scheafer, Badge #358, worked for the Irvine Police  
28 Department.

1           **REQUEST FOR ADMISSION NO. 59:**

2           Admit YOU were aware PLAINTIFF was an FBI informant.

3           **RESPONSE TO REQUEST FOR ADMISSION NO. 59:**

4           Admit.

5           **REQUEST FOR ADMISSION NO. 60:**

6           Admit YOU were informed by the OCJTTF that PLAINTIFF was an FBI  
7 informant.

8           **RESPONSE TO REQUEST FOR ADMISSION NO. 60:**

9           Objection. This request seeks "official information" governed by the confidentiality  
10 provisions in a Memorandum of Understanding ("MOU") between the City of Irvine and the  
11 Federal Bureau of Investigation, used to establish the Orange County Joint Terrorism Task  
12 Force. The City has been advised by counsel for the FBI that the information sought is  
13 controlled solely by the FBI and may only be disclosed with FBI permission. The FBI has  
14 not granted the City permission to release the information herein sought. The United States  
15 Department of Justice ("DOJ") has broad discretion to determine whether its employees shall  
16 be permitted to testify or produce documents in Federal or state proceedings, regardless of  
17 whether the United States is a party. (*See, 28 C.F.R. § 16.21; United States ex rel Touhy v.*  
18 *Ragen, 340 U.S. 462 (1951)*) This rule applies to both current and former DOJ employees,  
19 including local police officers assigned to DOJ task forces under the supervision and control  
20 of the Attorney General. (*See 28 C.F.R. §§16.21(a)&(b), 16.22(a), 16.28*) Department of  
21 Justice regulations prohibit any DOJ employee from producing documents or disclosing  
22 information "without prior approval of the proper Department official in accordance with §§  
23 16.24 and 16.25 of this part." 28 C.F.R. § 16.22(a). A substantial amount of the information  
24 requested may be protected from disclosure because it involves classified national security  
25 information, matters protected by the law enforcement investigative privilege, or information  
26 that would tend to reveal a confidential source or informant, or other privileges. *See 28*  
27 *C.F.R. §§ 16.26(a)(2), (b)(3)-(5).* The MOU itself is a confidential document which is the  
28 property of the FBI.

1           **REQUEST FOR ADMISSION NO. 61:**

2           Admit YOU were informed by the FBI that PLAINTIFF was an FBI informant.

3           **RESPONSE TO REQUEST FOR ADMISSION NO. 61:**

4           Admit.

5           **REQUEST FOR ADMISSION NO. 62:**

6           Admit YOU arrested PLAINTIFF with the knowledge that he was an FBI  
7 informant.

8           **RESPONSE TO REQUEST FOR ADMISSION NO. 62:**

9           Objection. This request for admission is not limited or specific with respect to  
10 time.

11           **REQUEST FOR ADMISSION NO. 63:**

12           Admit YOU sent a SWAT team to the home of PLAINTIFF.

13           **RESPONSE TO REQUEST FOR ADMISSION NO. 63:**

14           Deny.

15           **REQUEST FOR ADMISSION NO. 64:**

16           Admit YOU conspired with FBI agents to send the SWAT team to the home of  
17 PLAINTIFF.

18           **RESPONSE TO REQUEST FOR ADMISSION NO. 64:**

19           Deny.

20           **REQUEST FOR ADMISSION NO. 65:**

21           Admit Ronald Carr disobeyed an order YOU gave Ronald Carr to not arrest  
22 PLAINTIFF.

23           **RESPONSE TO REQUEST FOR ADMISSION NO. 65:**

24           Deny.

25           **REQUEST FOR ADMISSION NO. 66:**

26           Admit YOU ordered Ronald Carr to arrest PLAINTIFF.

27           **RESPONSE TO REQUEST FOR ADMISSION NO. 66:**

28           Deny.

## VERIFICATION

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I have read the foregoing, DEFENDANT CITY OF IRVINE'S RESPONSES TO REQUESTS FOR ADMISSIONS, SET ONE and know its contents.

X CHECK APPLICABLE PARAGRAPH

- I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and to those matters I believe them to be true.

I am  an officer  a partner  of the City of Irvine, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.  I am informed and believe and on that ground allege that the matters stated in certain responses in the foregoing document are true.  The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for \_\_\_\_\_, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on June 7, 2010, at Irvine, California.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Sgt. Bill Whalen  
Print Name of Signator

Bellwch  
Signature

## PROOF OF SERVICE

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I am over the age of 18 and not a party to the within action; I am employed by WOODRUFF, SPRADLIN & SMART in the County of Orange at 555 Anton Boulevard, Suite 1200, Costa Mesa, CA 92626-7670.

On June 1, 2010, I served the foregoing document(s) described as **DEFENDANT CITY OF IRVINE'S RESPONSES TO REQUEST FOR ADMISSIONS, SET ONE**

- by causing the aforementioned to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document on individual(s) listed on the attached mailing list;
  - (BY MAIL)** I placed said envelope(s) for collection and mailing, following ordinary business practices, at the business offices of WOODRUFF, SPRADLIN & SMART, and addressed as shown on the attached service list, for deposit in the United States Postal Service. I am readily familiar with the practice of WOODRUFF, SPRADLIN & SMART for collection and processing correspondence for mailing with the United States Postal Service, and said envelope(s) will be deposited with the United States Postal Service on said date in the ordinary course of business.
  - (BY OVERNIGHT DELIVERY)** I placed said documents in envelope(s) for collection following ordinary business practices, at the business offices of WOODRUFF, SPRADLIN & SMART, and addressed as shown on the attached service list, for collection and delivery to a courier authorized by Woodruff, Spradlin & Smart to receive said documents, with delivery fees provided for. I am readily familiar with the practices of WOODRUFF, SPRADLIN & SMART for collection and processing of documents for overnight delivery, and said envelope(s) will be deposited for receipt by \_Woodruff, Spradlin & Smart on said date in the ordinary course of business.
  - (BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.
  - (BY PERSONAL SERVICE)** I delivered such envelope(s) by hand to the offices of the addressee(s).
  - (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
  - (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on June 1, 2010 at Costa Mesa, California.

Bobbie Marsh  
BOBBIE MARSH